



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

August 4, 2015

By ECF

The Honorable Brian Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

The Honorable I. Leo Glasser
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

The Honorable Sterling Johnson, Jr.
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **SEC v. Robert Bandfield, 14-cv-5271-ILG-RER**

SEC v. Philip Thomas Kueber, 15-cv-4479-SJ-MDG

SEC v. Gregg R. Mulholland, 15-cv-3668-BMC

Dear Judges Cogan, Glasser, and Johnson:

Pursuant to Local Civil Rule 1.6 and Guidelines for the Division of Business Among Judges Rule 50.3.1, the Securities Exchange Commission (“Commission”), through its undersigned counsel, respectfully writes to inform the Court of the factual overlap between two of the above-captioned cases — *SEC v. Kueber* (the “Kueber Civil Case”) and *SEC v. Mulholland* (the “Mulholland Civil Case”) — and *United States v. Bandfield*, No. 14-cr-476-ILG (the “Bandfield Criminal Case”) and *SEC v. Bandfield* (the “Bandfield Civil Case”) (collectively, the “Bandfield Cases”). A “substantial saving of judicial resources” is likely to result if the Kueber Civil Case, the Mulholland Civil Case, and the Bandfield Cases are heard by the same judge. Guidelines for the Division of Business Among Judges Rule 50.3.1(a).

In the Kueber Civil Case, the Commission alleges that Kueber orchestrated a fraudulent scheme involving the securities of microcap issuer Cynk Technology Corp. (“Cynk”). Kueber concealed his control of Cynk and its shares, including through nominee CEOs and straw

shareholders. Kueber also used offshore international business corporations (“IBCs”) created by Robert Bandfield and/or his firm IPC Corporate Services LLC (“IPC”). These allegations overlap with substantially similar allegations against Kueber in the Bandfield Criminal Case. There, the superseding indictment filed on July 31, 2015 (the “Indictment”) charges Kueber with securities fraud and conspiracy to commit securities fraud based in part on similar allegations concerning Kueber’s role in Cynk.

The Commission’s allegations against Kueber also overlap with the Indictment’s allegations that Bandfield and IPC created the IBCs used by Kueber in the Cynk fraud. The Bandfield Civil Complaint similarly alleges that Bandfield and IPC created IBCs to help their clients circumvent the United States securities laws.

The Mulholland Civil Case also factually overlaps with the Bandfield Cases. In the Mulholland Civil Case, the Commission alleges that Mulholland distributed securities of microcap issuer Vision Plasma Systems, Inc. (“Vision Plasma”) without the required Commission registration. The complaint alleges that Mulholland also used IBCs created by Bandfield and IPC to do so. Based in part on similar allegations concerning Vision Plasma and Mulholland’s use of IBCs created by Bandfield and IPC, the Indictment charges Mulholland with securities fraud and conspiracy to commit securities fraud. Furthermore, the Indictment alleges that Mulholland and Kueber, Mulholland’s associate, conspired with Bandfield, IPC, and others to commit fraud in connection with Cynk and Vision Plasma.

Thus, because the subject matter, defendants, and underlying facts of the Kueber Civil Case and Mulholland Civil Case overlap with the Bandfield Cases and arise from some of the same events, the Commission respectfully submits that assignment of these cases to the same judge would likely result in a substantial saving of judicial resources.

Respectfully submitted,

/s/ Derek Bentsen
Derek Bentsen

/s/ Joshua R. Geller
Joshua R. Geller

/s/ Preethi Krishnamurthy
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